

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 3374 OF 2005

Smt. Sumiya Rana ...Applicant

Versus

Abdul Latif Lakadawala & Ors ...Respondents

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Mr. Rajendra Rathod i/b O.A. Siddiqui & J.R. Khan,
Advocate for Applicant.

Mr. D.P. Adsule, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 10TH AUGUST, 2005

P. C.:-

1. Heard the learned advocate for the applicant and learned A.P.P. for the State. None appears for the respondent though served.

2. The applicant has prayed for quashing of process issued against her in Criminal Case No.410/SS/2004 which is pending in the Court of learned Metropolitan Magistrate, 30th Court, Kurla, Mumbai. In the said case, process has been issued against the applicant under Section 138 of Negotiable Instruments Act.

3. For the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of

2005 and order dated 21st June, 2005 passed in Criminal Application No. 550 of 2005, the applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my opinion, it would be appropriate that the applicant prefers revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer revision before the concerned Sessions Court. The learned advocate for the applicant states that the necessary revision would be preferred within a period of five weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of five weeks from today.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Application is disposed of.

7. Office to issue an authenticated copy of this order to the parties.
